UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
42nd meeting
held on
Wednesday, 24 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. KUKAN (Slovakia)

CONTENTS

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/48/SR.42
16 February 1994
ENGLISH
ORIGINAL: FRENCH

93-82678 (E)

The meeting was called to order at 10.20 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued) A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, A/48/120, A/48/125, A/48/136, A/48/152, A/48/174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, A/48/184, A/48/201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, A/48/307, A/48/330, A/48/355-S/26390, A/48/357, A/48/370, A/48/394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, A/48/446, A/48/484, A/48/496 and A/48/564)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/48/210-E/1993/89, A/48/283, A/48/340, A/48/342, A/48/425, A/48/509 and Add.1, A/48/510, A/48/575, A/48/576, A/48/589, A/48/590; A/C.3/48/7 and A/C.3/48/8)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/48/92-S/25341, A/48/261, A/48/274-S/26125, A/48/295, A/48/298, A/48/299, A/48/351-S/26359, A/48/387-S/26424, A/48/525, A/48/526 and Add.1, A/48/561, A/48/562, A/48/570-S/26686, A/48/577; A/48/578, A/48/579, A/48/584, A/48/600 and Add.1, A/48/601; A/C.3/48/9 and A/C.3/48/13)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/48/82, A/48/156, A/48/208, A/48/220, A/48/223, A/48/259 and A/48/511)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. YOKOTA (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar), speaking under agenda item 114 (c), said that, in application of his mandate, which had been extended for one year by the Commission on Human Rights in its resolution 1993/73 of 10 March 1993, he had worked to establish or continue direct contacts with the Government of Myanmar in order to assess the situation of civil, political, economic, social and cultural rights in that country. The Government of Myanmar had expressed its willingness to cooperate with the United Nations. It had submitted detailed information in response to a memorandum written by the Special Rapporteur and transmitted to the Minister of Foreign Affairs of the Union of Myanmar. That memorandum contained various allegations regarding arbitrary detention, torture, disappearances, summary or arbitrary executions and inhumane treatment of repatriated Muslims in Rakhine. The Special Rapporteur had also requested, in that memorandum, information regarding labour rights, rights of the child, the National Convention for the drafting of a new democratic constitution,

(Mr. Yokota)

citizenship laws and steps to improve human rights, as well as regarding social, cultural and economic rights. That memorandum was reproduced in chapter II, and the response by the Government of Myanmar in chapter IV, of the interim report of the Special Rapporteur (A/48/578).

2. At the invitation of the Government of Myanmar, he had visited that country from 9 to 16 November 1993. He had met there a number of high government officials, spoken with two political leaders and visited several sites, including a prison. He thanked the Government of Myanmar for its hospitality. However, he regretted that he had not been able to meet Daw Aung San Suu Kyi nor, despite his repeated requests, to hold meetings in his office or residence with the leaders of the main political parties, including those of the National League for Democracy, which had won a landslide victory in the May 1990 elections. He had also been unable to see other detained or recently released political leaders, or their lawyers and members of their families, as they feared subsequent repercussions.

3. He thanked the office of the United Nations Development Programme in Yangon for providing him with an office, accommodation and local transportation during his stay.

4. Following his trip to Myanmar, he had visited Thailand from 16 to 20 November 1993 to obtain information regarding the situation of human rights in Myanmar from refugees from that country, United Nations staff, staff members of non-governmental organizations working in the area of human rights and humanitarian aid, and other individuals able to provide him with firsthand information. On the basis of the direct and reliable information received from various sources, he had been able to ascertain certain developments which could lead to improvements in the situation of human rights in Myanmar.

5. On 5 November 1993, a memorandum of understanding had been signed between the Government of Myanmar and the Office of the High Commissioner for Refugees, which was intended to ensure the voluntary and safe return of more than 200,000 Myanmar refugees still in Bangladesh. The Government of Myanmar had recently decided to withdraw its reservations relating to articles 15 and 37 of the Convention on the Rights of the Child, to which it had acceded in July 1991. It had begun to work with the International Committee of the Red Cross to organize seminars to familiarize military officers with international humanitarian law and the four 1949 Geneva Conventions, to which Myanmar had acceded in August 1992. The Minister for Information had decided to have the Universal Declaration of Human Rights translated into Burmese and to ensure its widespread distribution, in particular to all the delegates to the National Convention.

6. Despite those encouraging developments, there continued to be serious restrictions and grave violations of human rights and fundamental freedoms in Myanmar. Although some 2,000 political leaders had been released from prison since 1992, 500 continued to be in prison or under detention, including Daw Aung San Suu Kyi who had been under house arrest for more than four years without a trial. Many civil and political rights were still severely

(Mr. Yokota)

restricted. The right to life, liberty and security of person, the right not to be subjected to slavery, torture or inhumane treatment and freedom of thought, opinion, expression, peaceful assembly and association were widely violated. Individuals were condemned to forced labour and forced relocation, and political activities were repressed. Even the National Convention did not seem to indicate the evolution towards multiparty democracy announced by the Government. Some 20 political leaders had been newly arrested and had, in certain instances, received severe sentences in connection with their activities related to the National Convention. Various reliable sources had informed the Special Rapporteur of a number of cases of torture, killings, rape and other instances of inhumane treatment of women, and of disappearances. Those acts appeared to be most frequently committed by the army in the border areas, during military operations or forced relocations of ethnic minorities, many of whom were peasants, labourers and other peaceful civilians.

7. Those observations were preliminary in nature. His conclusions would be reflected in a report which he would submit to the Commission on Human Rights at the beginning of 1994.

8. Mr. CASTELLON DUARTE (Nicaragua), speaking under agenda item 172, said that the accession of Mrs. Violeta Barrios de Chamorro to the presidency of the Republic of Nicaragua, and the holding of the World Summit for Children in 1990 were two events that had cast a ray of hope on the future of more than 600,000 Nicaraguan children and adolescents who had been living in especially difficult circumstances since the events of the 1980s. All segments of Nicaraguan society, in particular organizations working with young people, were aware of the need to rescue them from violence, ignorance and poverty. Such action was all the more urgent as some adolescents had grown up knowing only anxiety, hatred and violence, which could very well affect their future behaviour. In addition to the after-effects of the war, there had been natural disasters and the burden of Nicaragua's external debt, the highest in the world per inhabitant which the country was currently repaying at the expense of its social and economic development and the well-being of its youth. Faced with that troubling situation, measures were needed, particularly in the area of employment, if democracy, peace and social justice were to be consolidated in Nicaragua.

9. Aware of those problems, the Nicaraguan Government had created, in 1990, a national commission for the protection of Nicaraguan children which had the specific job of supervising the concrete application of the Convention on the Rights of the Child. Mrs. Violeta Barrios de Chamorro had recently reiterated her Government's commitment in that area at the New York celebration of the third anniversary of the World Summit for Children. The same national commission had drawn up a five-year plan of action (1991-1996) which targeted children living in especially difficult circumstances. For its part, the Legislative Assembly, through the Commission on children, youth, women and the family, was currently reviewing legislation dealing with children and adolescents in order to make it consistent with the provisions of the Convention. In that regard, Nicaragua wished to receive greater support from the specialized institutions of the United Nations, in particular UNICEF.

(Mr. Castellon Duarte, Nicaragua)

10. Despite the difficulties it had encountered, Nicaragua had succeeded in reducing the mortality rate among young children, developing its school food programme and, in so doing, had significantly increased attendance in preschool programmes.

11. Pursuant to article 44 of the Convention on the Rights of the Child, Nicaragua had recently presented its first report on the rights of the child in Nicaragua, after conducting a survey in which both government agencies and non-governmental organizations had participated. Nicaragua was in general endeavouring to adapt its legislation in the areas of childhood and the family to the provisions of the Convention. If the country returned to the path of economic growth and benefited from international solidarity, the quality of life of the Nicaraguan population should rise, and that should be reflected in the social indicators.

12. While Nicaragua had been gradually surmounting the problems it faced in the aftermath of its war, of which children were the principal victims, the same could not be said for Bosnia and Herzegovina, where no ray of hope could be glimpsed. His delegation was convinced that the international community should explore ways of ending the holocaust in that country. It likewise stressed that the United Nations must take vigorous and immediate action to halt the horrifying practice of selling the organs of children.

13. In conclusion, the Governments of countries where violent conflicts had occurred should take immediate measures, with the support of international bodies, to encourage democratic values and practices, to punish recourse to violence severely, and to promote absolute respect for human life and tolerance.

14. Mr. TORELLA DI ROMAGNANO (Italy), speaking on agenda item 114 (b) and referring to the question of minorities, said that the problems associated with minority groups had on various occasions disturbed the domestic affairs of countries as well as relations among States. A number of international organizations, especially in Europe, had recently focused that question, with a view to contributing to the political stability of States. It was not mere chance that the international community had also deemed it urgent, two years previously, to speed up the drafting of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly, on 16 December 1992 in resolution 47/135.

15. The importance of that Declaration lay primarily in its clarification of possible misunderstandings as to the status of national minorities and persons belonging to them. It clearly indicated that the status and aspirations of minorities should not be confused with those of peoples, in that only the latter were allowed to exercise the right to self-determination under international law. In that regard, it should be recalled that the principle of self-determination had been established, in United Nations practice, in the context of the liberation of peoples from colonialism and foreign domination. Consequently, the protection of groups and minorities established within a State as well as of persons belonging to them bore no relation to the right to self-determination. Widening the scope of that right to justify any claim to

(Mr. Torella di Romagnano, Italy)

autonomy on the part of a minority would compromise the stability of States as well as peaceful relations among them. In his statement to the General Assembly, the Italian Minister of Foreign Affairs had observed that the territorial integrity of the State had too often been contrasted with the rights of minorities.

16. In that context, his delegation stressed the need to recognize the ethnic, cultural, linguistic and religious identity of minorities within the societies in which they lived. It pointed out that, as stipulated in paragraph 3 of article 2 of the Declaration, "persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation".

17. The implementation of that provision could require the adoption of measures at the local level, and also international cooperation. An example was the manner in which the Italian Government had found satisfactory solutions to the problem of linguistic minorities living in Italian territory: in particular, the Governments of Italy and Austria had agreed to recognize the autonomous status of the German-speaking minority of Alto Adige (South Tyrol), thereby putting an end to a dispute on that matter and providing a model for the elaboration of measures concerning the protection of minorities within CSCE.

18. The World Conference on Human Rights had taken the same approach. The Programme of Action adopted there recommended the adoption of measures to facilitate the full participation of minorities in all aspects of political, economic, social, religious and cultural life, and in the economic progress and development of their countries (A/CONF.157/24, para. 27).

19. His delegation considered it desirable that concerned States, along with the relevant United Nations organs and bodies, should bear those guidelines in mind.

20. His delegation, which had fully cooperated in the elaboration of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, was ready to consider any concrete proposal aimed at promoting and implementing it. The application of the principles enshrined in that instrument would contribute towards removing one of the causes of tensions in the international arena.

21. Mrs. AL-HAMAMI (Yemen) said that the World Conference on Human Rights and the Programme of Action adopted on that occasion had shed light on the complementarity between human rights and the right to development, which required a balanced, just and fair approach to those issues as a whole. Yemen strongly believed that each of the recommendations formulated in the Vienna Declaration should be accorded equal weight, so that it could become the cornerstone for the international community in the area of human rights. As development was an inalienable human right, the international community should create appropriate mechanisms to ensure the protection of that right, and it should encourage international solidarity with regard to accelerating

(Mrs. Al-Hamami, Yemen)

development, especially in the least developed countries, as the sole means of putting an end to tensions and conflicts and maintaining, indeed strengthening peace and international security.

22. Yemen had incorporated into its Constitution the principle of democratic development in which all sectors of the population were involved in the process of planning, implementing and monitoring economic and social development. On the basis of those principles, it had, on 22 May 1990, chosen a multiparty democracy which offered to the whole population all constitutional and legal guarantees for the full enjoyment of basic rights and freedoms, within the context of a constitution adopted by general referendum. Despite the difficulties it was encountering in renewing its economic and social structures, Yemen had been able to strengthen the foundations of democracy and to create a political life based on the principle of peaceful alternation in the exercise of power.

23. The Parliamentary elections by direct universal suffrage held on 26 April 1993 constituted additional proof of Yemen's commitment to human rights and fundamental freedoms. Those elections had been supervised or observed by a large number of representatives of the world's press and international organizations and agencies committed to the spread of democracy. Those observers had confirmed the success and legality of the elections which had been praised by Arab as well as international news media including The New York Times which had devoted an article entitled "A real Arab revolution" to it in its issue of 8 May 1993.

24. The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights should serve as the basis for strengthening human rights; it was a matter of according priority to development while respecting national sovereignty and the principle of non-interference in the internal affairs of other States and accepting the fact that nations might have different ideas in many respects, particularly in the judicial and spiritual spheres.

25. Mrs. DE WET (Namibia), speaking on agenda item 114 (b), said that after the First World War it was understood that human rights were vested in the national jurisdiction of sovereign States. However, the Second World War had caused so much suffering and so many deaths of innocent civilians that the international community's attention had once again been drawn to the issue. Since then, numerous instruments on standard-setting norms had been successful.

26. So far as her delegation was concerned, to find a way of ensuring the protection of human beings everywhere was most important. The protection of individual rights must not be seen as contrary to the interests of society. A good society was one which protected the basic rights of individuals including not only civil and political rights, on which the Government must not infringe, but also individual rights to economic, social and cultural well-being which the Government must actively promote. That was why the Vienna Declaration and Programme of Action had reaffirmed that development, democracy and human rights were all equally important for the individual and society. Her Government was also of that view.

(Mrs. De Wet, Namibia)

27. The Namibian Constitution, the country's supreme law, defined the human rights and fundamental freedoms of Namibians. Its principles were reflected in the policy of national reconciliation, the rule of law and multi-partyism which were prime examples of the dedication of Namibia's democratically elected leaders to qualitative changes.

28. However, a constitution was not enough. The creation of equal opportunities for all, job opportunities and the right to a decent standard of living were as important as the right to vote, freedom of speech and religion. That was what the Vienna Declaration and Programme of Action had recognized by unequivocally stating that the right to development was an inalienable human right.

29. The Government of Namibia was committed to establishing the necessary machinery for the promotion and protection of human rights. The Namibian Ombudsman, established by an Act of 1990, was an independent and non-partisan Commissioner appointed by the President on the recommendation of the Judicial Service Commission; he was empowered to investigate complaints relating to injustices committed by government officials and had access to official files and documents and the power to search any government premises. The main duties of the Ombudsman were to combat corruption, irregularities, abuses of power and misuse of government property by government officials; to protect the basic human rights and fundamental freedoms of individuals; and to look after and protect the country's natural resources. The Ombudsman could either act on complaints or on his or her own initiative.

30. There were also a number of non-governmental human rights organizations working in Namibia. They dealt mainly with legal education, disseminated translations of the Constitution in the local languages, provided legal advice and trained paralegal officers to alleviate the shortage of lawyers in Namibia, a problem which many developing countries also faced.

31. Since the Namibian people had been subjected to gross human rights violations without any recourse for many years, one of the country's prime tasks following its independence had been to establish national institutions that would protect and promote human rights. The capacity of States to carry out human rights education must be strengthened. Human rights could be enjoyed and observed only if the beneficiaries were fully aware of and understood their rights. In recognition of the importance of human rights education, the Minister of Justice in conjunction with the University of Namibia had established a Human Rights Documentation and Justice Training Centre. The main function of the Centre would be to train candidates for various legal professions and to conduct training programmes for certain civil servants whose official duties were likely to affect the fundamental human rights and freedoms of individuals, notably immigration, customs, police and prison officers, tax administrators and defence-force personnel. The idea was to help institutionalize a culture of respect for human rights starting with civil servants. The Centre would also provide practical training for law graduates before their admission to the Bar. It could also provide training for private sector personnel because Namibia was convinced that socio-economic development

(Mrs. De Wet, Namibia)

and the building of a democratic society should be the concern of both the public and private sectors.

32. The Centre would also strive to promote respect for human rights by organizing meetings thereon, reviewing the human rights situation in Namibia and in the Southern African region, organizing programmes to motivate various target groups on human rights issues and preparing and disseminating information materials on human rights and related issues. The Centre, which was part of the Law Faculty of the University of Namibia, intended to expand its activities to the whole Southern African subregion. As part of the UNESCO-supported university network (UNITWIN), which encompassed a number of universities in Southern Africa and Europe, the University of Namibia had been given the responsibility of coordinating law and human rights activities.

33. The Estorff National Library in Windhoek had been declared a United Nations depository library, which would immensely enhance her Government's efforts to expand the teaching of human rights in Namibia.

34. In conclusion, she announced that her country had initiated the procedures, required under its Constitution, for acceding to a number of human rights instruments.

35. Mr. ZAMORA (Cuba), speaking on agenda item 172, said that the Group of Latin American and Caribbean States had proposed and secured the inclusion of that item on the agenda of the current session thus making amends for an omission that was difficult to justify. Protection of the rights of the child must be the point of departure for any serious thought on human rights-related issues.

36. The savage individualism and unbridled consumption that characterized developed countries where social inequalities were on the increase, and the serious problems of poverty with which developing countries were grappling combined to create a social climate in which the welfare of millions of children was completely ignored. Unlike even the sudden disasters of drought or famine or flood, or even wars, the death of 35,000 children each day from malnutrition and diseases was not an event that happened in one place at one time. That silent tragedy slipped from the public eye and from the political agenda. The fact that the tragedy facing those children did not make the newspaper headlines did not make it any less tragic.

37. In addition to disease, hunger, poverty and ignorance there were threats of even more degrading activities. Millions of children throughout the world were exploited as a source of cheap labour, hundreds of thousands of other children were the victims of trafficking in organs, sold in fraudulent adoptions or handed over to pornography and prostitution.

38. The extent to which child labour was exploited and the conditions - incredible on the threshold of the twenty-first century - in which the children of migrant workers were forced increasingly to live, should prompt the international community to take more methodical and vigorous action. With

(Mr. Zamora, Cuba)

regard to trafficking in organs, the World Health Organization had recently adopted standards governing organ transplants. However, such standards would not be sufficient to eradicate the problem. For instance, it was an acknowledged fact that legislation in the United States of America and the countries of the European Union allowed for commercial organ transplants, which could facilitate the operations of networks that might at best be termed criminal. The international community must prove that they are monitoring the situation carefully in order to protect the rights of potential victims of such practices, in particular the children, who were the least able to defend themselves.

39. The situation of children exploited for prostitution and pornography was equally a matter of concern. The cities of the developed world provided markets where modern means of communications and advertising were used for such deviant practices to which Governments turned a blind eye. In the developing countries the alarming economic situation and extreme poverty were the reason why many parents were obliged to sell their children.

40. One of the most serious perversions in that area was so-called sexual tourism. Paedophiles from different developed nations travelled to the developing countries in search of children and adolescents. It was worrying to note that certain rich countries in the northern hemisphere were frequently mentioned in reports on such practices that had not so far been checked. Unless the Governments of those countries and the international community adopted vigorous measures to protect the fundamental rights of innocent children, millions of them would continue to be subjected to irreparable harm.

41. The international community had been provided with the means to define immediate objectives in the Declaration adopted by the World Summit for Children, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights. However, such flagrant violations of fundamental rights could not be prevented unless decisive action was taken on a large scale. The mandate of the Special Rapporteur could be extended by requesting him to report on his work to the General Assembly; and the Commission on Human Rights might set up a working group which, together with the Rapporteur and on the basis of the Programme of Action, would be responsible for preventing the sale and prostitution of children and child pornography; it should also look into the possibility of drafting an international convention with a view to bringing an end to such scourges.

42. It was often said that the future lay in the hands of children. It was important to ensure that human values took precedence over political, economic or ideological interests.

43. Mr. GARRETON (Chile), speaking on agenda item 114 (b), said that he would focus on four aspects of the human rights issue, namely the strengthening of the Centre for Human Rights of the Secretariat, enhancing the effectiveness of periodic and genuine elections, the Declaration on the Right to Development and the World Conference on Human Rights.

(Mr. Garreton, Chile)

44. As the General Assembly had recalled in its resolution 47/127, the promotion of universal respect and observance of human rights and fundamental freedoms was one of the basic purposes of the United Nations enshrined in the Charter. The Centre for Human Rights of the Secretariat was the coordinating unit within the United Nations system of bodies dealing with the promotion and protection of human rights. However, the Centre could not always play its rightful role, particularly in connection with the many programmes concerning peace-keeping operations for which its services were not enlisted. The Programme of Action adopted by the Vienna Conference was intended to remedy the situation by recommending the Secretary-General to take greater advantage, with regard to peace-keeping operations, of the experience and skills of the Centre and the United Nations bodies dealing with human rights.

45. As borne out by the Secretary-General's report (A/48/589), the financial resources at the disposal of the Centre did not allow it to fulfil its mandate properly. According to the information available, in the past 13 years its workload had grown from 70 per cent to 1,800 per cent, while the staff had only been increased by 1.3 per cent; moreover the posts corresponding to that increase were temporary. Indispensable activities such as fulfilling the mandates resulting from treaties and missions by experts of the Committee on the Elimination of Racial Discrimination and the Committee against Torture had been financed until 1993 by extrabudgetary funds.

46. The Declaration and Programme of Action adopted in Vienna requested that adequate resources should be allocated to the Centre to cover the expenses incurred by rapporteurs, experts, working groups and treaty-monitoring bodies. Those expenses should be charged to the regular budget of the Organization. The Secretary-General and the Member States must ensure that the Centre was provided with all the budgetary resources needed to carry out the set of tasks entrusted to it by the General Assembly and the Commission on Human Rights, as well as the new mandates resulting from the Vienna Programme of Action. The computerization of the Centre, another essential task, would improve the coordination of these activities, particularly with regard to advisory services.

47. With regard to enhancing the effectiveness of the principle of periodic and general elections, he recalled that human rights and democracy were indissociable and that there could be no democracy without free and periodic elections. It was thus the responsibility of the United Nations to provide electoral assistance to Member States when so requested. In its resolution 47/138, the General Assembly had welcomed the decision of the Secretary-General to designate a focal point for electoral verification and electoral assistance and had requested that such assistance should be continued. Furthermore, in its resolution 47/130, the General Assembly had quite rightly reaffirmed the principle of national sovereignty, by stressing that it was the concern "solely of peoples", and not of Governments, to establish institutions regarding the electoral process. So far none of the electoral assistance provided by the United Nations had infringed the national sovereignty nor constituted interference in the internal affairs of States.

(Mr. Garreton, Chile)

48. The Declaration on the Right to Development, adopted by the General Assembly in 1986, established a close link between development, democracy and the exercise of human rights. Implementation of the right to development was inextricably linked to strengthening the rule of law and democracy. However, the absence of development could not serve as a pretext for curtailing or limiting human rights and fundamental freedoms. The working group, set up by the Commission on Human Rights to identify obstacles to applying the 1986 Declaration, was holding its first session, in which a Chilean representative was participating.

49. It was too soon to assess the historical importance of the World Conference on Human Rights, held at Vienna. The General Assembly should, in accordance with the Conference's request, consider as a matter of priority the question of creating a High Commissioner for Human Rights, a suggestion to which his delegation attached the greatest importance. The High Commissioner would have responsibility for promoting and protecting human rights, coordinating the activities of the relevant United Nations bodies, strengthening advisory services and dealing with all aspects of peace-keeping operations which related to human rights. His terms of reference would be particularly important, since there were always regimes which violated the freedom of peoples with complete impunity.

50. Many other tasks relating to human rights awaited the General Assembly's attention including the proclamation of an international decade of the world's indigenous peoples, extension of the mandate of the Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities, which was currently preparing a draft universal declaration on indigenous rights, and planning the establishment of a permanent headquarters where, as Rigoberta Menchú had suggested, such peoples could make their voices heard. In addition, the General Assembly must adopt a declaration on the elimination of violence against women, measures to improve the protection of children involved in armed conflicts and standards for the equalization of opportunities for disabled persons. Lastly, the General Assembly should not only proclaim a decade for human rights education, but also monitor the implementation of the Vienna Plan of Action closely and mobilize the funds needed for that purpose.

51. Mr. PIRIZ-BALLON (Uruguay), speaking on agenda item 172, recalled that it was the President of his country who had requested the inclusion of the item in the agenda of the current session in the belief that more should be done to ensure the protection of children in armed conflicts and elsewhere. It must be acknowledged that the numerous Security Council resolutions and declarations had not yet led to a solution to the human dramas being played out in Bosnia and Herzegovina and elsewhere. It had not even been possible to protect the civilian population and children under the Geneva Conventions.

52. In his letter on the subject to the Secretary-General the President of Uruguay had quoted passages from the World Declaration on the Survival, Protection and Development of Children and the corresponding Plan of Action, which dealt with the situation of children in armed conflicts. The Convention on the Rights of the Child, too, was concerned with the norms of international

(Mr. Piriz-Ballon, Uruguay)

humanitarian law regarding the recruitment of minors under the age of 15, the protection of refugee children and the particular attention that should be paid to children in armed conflicts.

53. He himself had subsequently been instructed by the President of Uruguay to arrange a meeting of the Group of Latin American and Caribbean States so that the countries of the Group could jointly consider measures that the international community might take to enhance the effectiveness of its activities to help children in armed conflicts. The Group had noted that, with the exception of one resolution on the situation of street children and another one of a legal and technical nature, concerning the status of the Convention on the Rights of the Child, the General Assembly was not dealing specifically with the subject of children, still less the situation of children living in especially difficult circumstances. Yet the statistics provided by various United Nations bodies were truly alarming: 1.5 million children had died as a result of war and - again owing to war - around 20 million other children were physically disabled, confined in refugee camps or homeless. Even that was not all: reports by the special rapporteurs of the Commission on Human Rights indicated that millions of children throughout the world were exploited as cheap labour, while others were used in the trafficking of organs and exploited by child pornography and prostitution.

54. The Uruguayan Government had informed the Secretary-General that it was prepared, to the best of its abilities, to contribute to any effort the United Nations might make to relieve to the fullest possible extent the distress of children suffering the horrors of war and exploitation. As a first step it intended to take in 5 to 10 such children and their close relations. To that end, the Government had been in contact with the relevant bodies in order to begin that operation as soon as possible; such forms of assistance, he was convinced, would become increasingly frequent. He had no doubt that the Secretary-General wanted to do everything within his power to avoid any bureaucratic or financial obstacles that might arise.

55. Ms. RAMIREZ (Panama), speaking on agenda item 114, noted that any violation of human rights or fundamental freedoms was detrimental not only to the individual victims of such violations, but also to institutional stability, constitutional order and the rule of law, since such violations aroused feelings of revenge and led to tit-for-tat reprisals. Whether or not human rights were respected thus affected the whole of society. In most cases, insurrections, rebellions and internecine struggles had their origin in violation of the human rights and fundamental freedoms of large sections of the population. That was particularly true when dictatorships deprived peoples of their sovereignty.

56. Despite the especially difficult circumstances in which democracy had been restored in Panama, the Panamanian Government was attempting to create conditions conducive to respect for human rights. It had recognized the authority of the Inter-American Court of Human Rights and was party to nearly all United Nations and regional human rights instruments, including the Protocol of San Salvador and the protocol on the abolition of capital punishment. Panama had also signed a cooperation agreement with the United Nations Latin American

(Ms. Ramirez, Panama)

Institute for the Prevention of Crime and Treatment of Offenders. Furthermore, the legislative assembly was actively considering accession to The Hague Convention on the Civil Aspects of International Child Abduction and the Agreement on the fund for the development of the indigenous peoples of Latin America and the Caribbean.

57. One of the main human rights problems in Panama was prison overpopulation, as a result of which the prison system was incompatible with the principles enshrined in the country's Constitution. For that reason the Government had launched a programme to modernize and expand penal establishments, particularly in the provinces, and sought to ensure that prisoners, especially those in pre-trial detention, could live near their families. Another problem was the slowness of legal procedures. In an effort to remedy that state of affairs the Government had taken a number of measures, such as increasing the number of officially appointed lawyers from 8 to 32. In addition, in view of the extent of juvenile delinquency in Panama, there had been major reforms to the relevant legislation and to the administration of the Juvenile Court.

58. Looking ahead to the elections scheduled for the following year, Panama had adopted a new electoral law to prevent the use of public funds for political purposes and to protect the members of the civil service. The Government fully intended to ensure that the elections were fair.

59. Panama fully supported the recommendation of the Vienna Conference regarding the creation of the post of High Commissioner for Human Rights, as well as the establishment of a working group to define the High Commissioner's terms of reference.

60. Lastly, her delegation felt obliged to restate its position regarding the principle of national sovereignty. Under international law it was inadmissible to invoke the concept of sovereignty and the noble principle of self-determination in order to prevent peoples from living in freedom and democracy. The former Minister for Foreign Affairs of Panama, who had died in office during the current session of the General Assembly, rightly believed that the peoples of Latin America had not wrenched their sovereignty out of the hands of tyrants only for it to become an instrument of submission.

61. Mr. SHIDO (Sudan), speaking on agenda item 114 (c), said that the interim report of the Special Rapporteur on the situation of human rights in the Sudan (A/48/601) and the Special Rapporteur's introductory statement on that question to the Third Committee contained some disturbing details and conclusions.

62. In paragraph 98 of the interim report, the Special Rapporteur said he had no hesitation to conclude that grave violations of human rights had taken place in the Sudan, yet he offered no credible proof to support such a serious charge; a reading of the report made it perfectly clear that he had taken a biased and selective approach. Under the terms of Commission on Human Rights resolution 1993/60 of 10 March 1993, the mandate of the Special Rapporteur covered human

(Mr. Shido, Sudan)

rights abuses committed by all parties involved in the armed conflict ravaging the country. Throughout the interim report, however, the Special Rapporteur had concentrated on allegations levelled against the Government because the circumstances of the September mission had not been appropriate for a thorough investigation of reports on violations of human rights by different factions of the Sudanese People's Liberation Army (SPLA) in southern Sudan, although several reliable reports and information had already been gathered in that respect.

63. It was the Special Rapporteur who had chosen, for reasons the report did not explain, to undertake two missions: one in September 1993, so that he could prepare an interim report which would provide the basis for discussion in the Third Committee, and another at the end of 1993, so that he could prepare a final report for submission to the Commission on Human Rights in February 1994. One might legitimately wonder, then, why he had not undertaken his first mission at a time when he could have made inquiries in zones controlled by both parties to the conflict, which would have allowed him to present a comprehensive and balanced report to the Committee, what kind of information he had "already gathered" and who had provided it, and whether the Special Rapporteur had been in a position to determine whether or not violations had been committee by SPLA factions in zones under their control.

64. Even more disturbing was the Special Rapporteur's statement in paragraph 7 of the report that he would also address human rights abuses committed by parties other than the Government of the Sudan, although it was clear that the Government of the Sudan, claiming sovereignty over the whole territory of the State, was bound to respect its human rights obligations and was to be held responsible should it not abide by those obligations. That statement reflected an astounding lack of objectivity since, by seeking simply to re-establish sovereignty over all of its territory, the Government of the Sudan was being held responsible for crimes committed by others.

65. Other parts of the report also gave rise to question. For example, one could only speculate as to why the Special Rapporteur had focused his attention on violations occurring after 30 June 1989, the date on which the current Government had come to power. Likewise, it was astonishing that the Special Rapporteur had failed completely to take into account the spirit of cooperation shown by the Government of Sudan in receiving numerous United Nations officials sent to investigate the situation in the Sudan as well as the European Community troika and other senior officials and political leaders from Europe, and by agreeing to the appointment of Mr. Bíró as Special Rapporteur on just one week's notice and by cooperating fully with him in his work. It was equally astonishing that the Special Rapporteur had completely ignored the fact that the Sudan had acceded to many international and regional human rights instruments and had incorporated a number of their provisions in its legislation, focusing instead on individual cases brought to his attention by allegedly "reliable sources".

66. With respect to one of those cases, specifically, the case of Kamal Mekki Medani and his friends who had been charged with drinking alcohol, the report alleged that their trial had been unfair. That allegation was

(Mr. Shido, Sudan)

completely groundless, however, since the men had been defended by 20 lawyers and, while some had been convicted, 10 others had been acquitted. In fact, their trial had been declared unfair simply because three of the accused were brothers of one of the Special Rapporteur's "reliable sources". With regard to the retired Brigadier Mohammed Ahmed Al-Rayah, under arrest since 20 August 1991, the Special Rapporteur had made a special trip from Khartoum to Port Sudan, at great cost in terms of both time and money, simply to satisfy his urge to pursue allegations by elements hostile to the Government, even though the situation was quite clear: the Brigadier had been sentenced and an investigation was under way to determine the facts in the case. The case of the so-called "street-children", which the Special Rapporteur used to substantiate allegations of unlawful detention and forced displacement, reflected the same penchant for systematic defamation. In fact, the "street-children" in question were children who had been abandoned or orphaned as a result of the drought of 1982-1983 and the famine in subsequent years and who had become wards of the Government under the Juvenile Welfare Act. That Act did not in the least emphasize the arrest or arbitrary detention of those children, but sought only to provide for their welfare. The Special Rapporteur's insinuation that, since it was not dated, the law had been passed for the occasion of his visit was, therefore, particularly odious and simply proved that even humanitarian measures could be slandered.

67. The analysis of the situation in the Nuba Mountains, to which the Special Rapporteur had devoted a large section of his interim report, merited particular attention. The conflicts taking place in the region had nothing to do with the current Government's introduction of Shariah Law, as the Special Rapporteur alleged; rather, they were the result of a struggle between political parties under the previous regime who were receiving material support and financing from neighbouring States. The conflicts had intensified since 1985, when SPLA had made an incursion into the region and had sought to prevent the Government from pacifying the area.

68. During his visit to the Dilling-Kadugli area, the Special Rapporteur had striven mightily to find evidence of abuses by the Government and the Popular Defence Forces (PDF) but had failed to establish SPLA responsibility for attacks on civilians, which ought to have been a simple matter, as there had been many witnesses. Moreover, he cast doubt on the legitimacy and reliability of such organizations as the Peace and Resettlement Administration for Southern Kordofan, referring to it as the so-called "Peace Group", and by disregarding information supplied by that body concerning the destruction of the region's social and economic infrastructure.

69. The report went on to describe the movement of Nuba communities from insecure areas to centres under government control as the result of a process of government-organized "uprooting", or, in other words, "ethnic cleansing". Yet the Special Rapporteur had been aware, Nuba Chiefs had told him so, that all the atrocities and abuses committed in 1992 in the Kadugli zone had been committed by SPLA, and he had a list of the victims in his possession. Not surprisingly, however, he gave credence only to information passed along to him by opposition groups, which he considered to be "independent sources", and was content to

(Mr. Shido, Sudan)

leave the question of violence by SPLA factions for discussion in his final report.

70. Similarly, with respect to the extrajudicial killings and summary executions of which he accused the Government of the Sudan, the Special Rapporteur had not been convinced by the information he had received from the Sudanese judicial administration and had preferred to concentrate his investigation on the events that had taken place during and after the SPLA attack on Juba in June and July 1992. There again, his version of the facts bore no relationship to reality.

71. The attack on Juba had followed infiltration of the region by SPLA elements in civilian clothing. After heavy fighting, the infiltrators had been driven out by the government forces, which had arrested a number of them. Among those arrested and tried had been two employees of the United States Agency for International Development (USAID). One had disappeared, and the other, a Sudanese national, had been convicted and sentenced to death by a competent court because he had used the communications equipment available to him to assist SPLA in bombarding the city. Those were the facts, but they failed to convince the Special Rapporteur, who called the execution of the Sudanese national, who was guilty of treason, a summary execution. In addition, in response to a request from the United States Government, which wished to know whether USAID premises and equipment had in fact been used during the rebel attack on Juba and which was incensed by the execution of a USAID employee, the Government of the Sudan had ordered a judicial inquiry into the trial of that employee. The commission of inquiry was presided over by a High Court judge. Its report would be distributed to interested Governments and organizations.

72. Furthermore, the Special Rapporteur's report made two serious accusations against the Government of the Sudan: it portrayed the Government's military operations as indiscriminate and deliberate aerial bombardments of civilian targets by government forces; and it characterized the transportation by rail of relief civil supplies between Babanusa and Wau under Popular Defence Forces and army guard as forays by the forces in question to kill, loot and destroy. Where the second accusation was concerned, the Special Rapporteur had not bothered to find out why it had been necessary for soldiers to accompany the train. The explanation was quite simple, however. Because the railway tracks between Babanusa and Wau went through rebel territory, it had been necessary to form a convoy.

73. With respect to the Special Rapporteur's concern about conditions in the Omdurman women's prison, it should be noted that the Minister of the Interior had allocated 4 million Sudanese pounds to improve living conditions for the women and their children. As to the four women arrested on 23 September 1993, he had already explained to the Special Rapporteur during his stay at Khartoum that those women and the 27 other people in question had been arrested because they had broken the law on peace and order in attempting to see him. All the people concerned had since been released, and no one who had met with the Special Rapporteur during his visit to the Sudan had been harassed.

(Mr. Shido, Sudan)

74. In view of the foregoing, he suggested that the Committee should refrain from taking any action regarding the Sudan that might prejudice the deliberations of the Commission on Human Rights and that, furthermore, it should perhaps direct the Special Rapporteur to show equity and objectivity, avoid sweeping conclusions and present a balanced final report.

75. In his introductory statement, the Special Rapporteur had referred to the armed conflict in the south and centre of the Sudan and had urged the parties to the conflict to cease all hostilities immediately, ensure that the population was not in need and intensify efforts to settle their dispute peacefully. That was exactly what the Government of the Sudan was seeking to do, with the assistance of the Nigerian Government and the Governments of the member countries of the Intergovernmental Authority for Drought and Development (IGADD).

76. Any violations committed in the Sudan were a by-product of the armed conflict between the government forces and SPLA. Any negative action against the Sudan might impede the peace efforts. The international community should help the two parties resolve their conflict rather than adopt resolutions whose sole effect would be to encourage an escalation in the violence. He hoped that his appeal would receive the Committee's support.

77. Mr. TELLO (Mexico), speaking under agenda item 114, referred to the global upsurge in violence, racism and xenophobia, with the resulting armed conflicts, as well as the persistence of unacceptable economic and social conditions in various regions. Against that backdrop, the Vienna Conference had represented a veritable challenge. The task of the Conference had been to strengthen the will of the members of the international community to work together to promote and protect all human rights in accordance with the provisions of the United Nations Charter. That will to cooperate had been demonstrated first and foremost by the attendance at the Conference of a large number of non-governmental organizations from all parts of the world. For Mexico, the Vienna Conference had been an opportunity to reaffirm the importance it had attached since independence to the defence of fundamental human rights.

78. Through the important work of the Commission on Human Rights, the international community had established a broad legal framework in the field of human rights and was able to deal with emergency situations by convening special sessions of the Commission. That was evidence of Member States' concern for effective action on human rights. However, in view of what might be termed the almost chaotic proliferation of human rights activities, the need to avoid duplication must be emphasized. The proposal to establish a post of United Nations High Commissioner for Human Rights took on particular importance in that context. His delegation had been quick to express its support for the establishment of a working group to examine that proposal and was taking an active part in its work. The spirit of cooperation within the group should facilitate a consensus on the question. His delegation would continue to participate constructively in defining the mandate of the High Commissioner, which should be based on the commitments set forth in the Vienna Declaration and Programme of Action. In Mexico's view, the High Commissioner should maintain

(Mr. Tello, Mexico)

close ties with the competent bodies, particularly the Commission on Human Rights, and should be able to respond to emergency situations.

79. His delegation attached great importance to the activities of the Commission's working group on the right to development because development was indissociable from human rights in general and democracy. It attached equal importance to the World Conference's emphasis on the promotion and protection of the rights of the so-called vulnerable groups, particularly women. It also supported the Conference's recommendation to proclaim an international decade of the world's indigenous peoples in order to continue the work begun in 1993 during the International Year of the World's Indigenous Peoples. The initiative of proclaiming such a decade should come from the indigenous peoples themselves in order to ensure their participation in the development of the countries where they lived while at the same time safeguarding their unique identity and character.

80. The question of migrant workers and their families also occupied an important place in the Vienna Declaration and Programme of Action. As in previous years, his delegation planned to submit a draft resolution on that issue in the Committee.

81. In adopting the Universal Declaration of Human Rights 45 years earlier, the international community had set for itself the goal of enabling each individual to exercise his inherent rights as a human being in a world free from human rights violations. That common goal remained elusive and could only be attained through international cooperation.

82. Mr. SABOIA (Brazil), speaking on agenda item 114, said that the observance of human rights was being threatened, particularly in developing countries, by the effects of economic crisis, foreign debt and economic adjustment policies, and also by ethnic strife. In the developed countries, new forms of racism and xenophobia had emerged, the most abhorrent of which was known as "ethnic cleansing". It was against that background that the Committee would have to adopt its decisions, taking into consideration, needless to say, the results of the World Conference on Human Rights. That Conference, at which Brazil had chaired one of the main bodies, the Drafting Committee, had afforded a unique opportunity to take stock of United Nations accomplishments in the field of human rights and to evaluate the functioning of the international human rights machinery. The innovative Programme of Action which the Conference had adopted covered a wide spectrum of issues ranging from the right to development to the establishment of a United Nations High Commissioner for Human Rights. His delegation was pleased that the right to development had been recognized as a universal and inalienable human right and an integral part of fundamental human rights. Brazil strongly supported those principles. The Conference had also taken steps with the aim of increasing the coordination of the activities of United Nations human rights bodies and had recommended that the human and financial resources made available to the Centre for Human Rights should be substantially increased. His delegation supported the Conference's recommendation that the human rights of women should be integrated into the mainstream of United Nations activities and that an international decade of the

(Mr. Saboia, Brazil)

world's indigenous peoples should be proclaimed in 1994. One of the most important decisions adopted at Vienna had been that of recommending the establishment of a post of United Nations High Commissioner for Human Rights. His delegation had supported the creation of an open-ended working group to consider the matter and hoped that the group would be able to define an adequate mandate for the High Commissioner. It believed that it was vital that the High Commissioner should act in an impartial, objective and apolitical manner. The role of the High Commissioner should be not only to investigate situations of human rights violations but also to enhance international cooperation in the field of human rights.

83. His delegation was pleased that the World Conference had given unanimous support to the Brazilian initiative on the strengthening of the rule of law, which had already been endorsed by the Commission on Human Rights in resolutions 1992/51 and 1993/50. Recognizing the need to help Governments in that field, the Conference had recommended that a comprehensive programme, coordinated by the Centre for Human Rights, should be established in order to help States acquire the necessary means to facilitate the overall observance of human rights and the maintenance of the rule of law. The programme envisaged in paragraph 69 and 70 of the Vienna Programme of Action was intended to provide technical and financial assistance to Governments which so requested in order to help them reform their penal and correctional establishments, provide human rights training to all those responsible for law enforcement and, in general, ensure the proper functioning of the rule of law. That programme would make it possible to expand the scope of international cooperation in the field of human rights. His delegation hoped that the Secretary-General would submit concrete proposals as soon as possible for the establishment, functioning and funding of such a programme in order to enable the General Assembly and its subsidiary bodies to take action.

84. In conclusion, his delegation hoped that, by creating new forms of cooperation, the international community would be able to tackle the root causes of human rights violations, particularly in developing countries where poverty and marginalization often engendered acts of violence and other human rights problems.

85. Mrs. FENG Cui (China), speaking in exercise of the right of reply, said that, in their statements on agenda items 114 (b) and (c), the representatives of the United States of America, the European Union and Sweden had made unacceptable attacks against China with the clear intention of using the question of human rights for political purposes. Those attacks had been based on distorted information from highly dubious sources. They did not take into account the fact that China, the largest developing country of the world, had succeeded in feeding 22 per cent of the world's population. Any reasonable person could acknowledge the enormous progress achieved in China over the past 15 years. That progress was reflected in political stability, social order and economic development. Those were results which had not been achieved easily. However, for the delegations she had mentioned, "stability" could only mean "repression" and if order prevailed in society, that could only be to the

(Mrs. Feng Cui, China)

detriment of freedom of expression and other rights. Those delegations would no doubt prefer it if chaos broke out in a country with over one billion inhabitants, with all the consequences that would result for that region of the world.

86. The representatives of the United States of America, the European Union and Sweden seemed to be particularly concerned about the fate of certain elements who had disturbed the public order. She noted that when people endangered public order, they had to be dealt with for what they were, in accordance with national law. In China, capital punishment was still in force, although its application was limited to very specific cases. Moreover, the situation of a country with over one billion inhabitants could not be compared with that of other countries with only a few million inhabitants. Her delegation could not accept criticism of China's judicial system, which was operating in a totally independent and impartial manner.

87. The United States delegation had attacked the Chinese policy on family planning. China had indeed adopted the principle of "one couple, one child", and that was in the interests, not only of the Chinese population, but also of all the peoples of the world. That policy was based on persuasion and not on coercion.

88. Lastly, three delegations had referred to the false question of human rights in Tibet. She wished to note that Tibet was an autonomous region of China and an inseparable part of China. The Tibetans, like other Chinese people, enjoyed all civil, social and cultural rights.

89. After the World Conference, it was to be hoped that certain countries would stop interfering in the internal affairs of other countries, because that mode of operation was totally contrary to the spirit of the Conference. She wished to stress that respect for national sovereignty was an absolute principle.

The meeting rose at 1.20 p.m.